

CASE

NUMBER:

99-049

INDEX FOR CASE: 99-049UAC
POWERTEL/KENTUCKY, INC.

Construct
CELL SITE - 11372 RUSSELL ROAD - WARREN COUNTY

IN THE MATTER OF THE APPLICATION OF POWERTEL/KENTUCKY, INC.,
A DELAWARE CORPORATION, FOR ISSUANCE OF A CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT A PERSONAL
COMMUNICATIONS SERVICES FACILITY IN B-052 BASIC TRADING AREA

SEQ NBR	ENTRY DATE	REMARKS
0001	02/09/99	Application.
0002	02/10/99	Acknowledgement letter.
0003	02/19/99	No def. letter
M0001	03/04/99	BRENT RICE POWERTEL-COPIES OF CERTIFIED MAIL RECEIPTS SENT TO PROPERTY OWNERS
0004	05/21/99	FINAL ORDER GRANTING CONSTRUCTION



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

CERTIFICATE OF SERVICE

RE: Case No. 99-049 UAC
POWERTEL/KENTUCKY, INC.

I, Stephanie Bell, Secretary of the Public Service Commission, hereby certify that the enclosed attested copy of the Commission's Order in the above case was served upon the following by U.S. Mail on May 21, 1999.

Parties of Record:

Allen E. Smith
President
Powertel/Kentucky, Inc.
1233 O.G. Skinner Drive
West Point, GA. 31833

Honorable W. Brent Rice
McBrayer, McGinnis, Leslie
& Kirkland PLLC
163 West Short Street
Suite 300
Lexington, KY. 40507 1361

Stephan Bell

Secretary of the Commission

SB/sa
Enclosure

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF POWERTEL/KENTUCKY,)
INC., A DELAWARE CORPORATION, FOR)
ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO CONSTRUCT) CASE NO.
A PERSONAL COMMUNICATIONS SERVICES) 99-049-UAC
FACILITY IN B-052 BASIC TRADING AREA (THE L-)
KY-114-316 FACILITY))

O R D E R

On February 9, 1999, Powertel/Kentucky, Inc. ("Powertel/Kentucky") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility is to be located at 11372 Russellville Road, Rockville, Warren County, Kentucky. The coordinates for the proposed facility are North Latitude 36° 54' 15.9" by West Longitude 86° 36' 29.14".

Powertel/Kentucky has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and the plans have been certified by a Registered Professional Engineer.

Pursuant to KRS 100.987(2), Powertel/Kentucky has notified the City-County Planning Commission of Warren County ("Planning Commission") of the proposed construction. To date, no comments have been filed by the Planning Commission.

Powertel/Kentucky has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed facility. The FAA application has been approved and the KAZC application is pending.

Powertel/Kentucky has filed notices verifying that each person who owns property within 500 feet of the proposed facility has been notified of the pending construction. The notice solicited any comments and informed the property owners of their right to request intervention. In addition, notice of the proposed construction has been posted in a visible location for at least two weeks after filing the application. To date, no comments have been filed with the Commission.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, Powertel/Kentucky should notify the Commission if it does not use this antenna tower to provide service in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by Powertel/Kentucky.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Powertel/Kentucky should be granted a Certificate of Public Convenience and Necessity to construct the proposed facility.

IT IS THEREFORE ORDERED that:

1. Powertel/Kentucky is granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility to be located at 11372 Russellville Road, Rockville, Warren County, Kentucky. The coordinates for the proposed facility are North Latitude 36° 54' 15.9" by West Longitude 86° 36' 29.14".

2. Powertel/Kentucky shall file a copy of the final decision regarding its pending KAZC application for the proposed construction within 10 days of receiving the decision.

3. Powertel/Kentucky shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 21st day of May, 1999.

By the Commission

ATTEST:


Executive Director



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

February 19, 1999

Allen E. Smith
President
Powertel/Kentucky, Inc.
1233 O.G. Skinner Drive
West Point, GA. 31833

Honorable W. Brent Rice
McBrayer, McGinnis, Leslie
& Kirkland PLLC
163 West Short Street
Suite 300
Lexington, KY. 40507 1361

RE: Case No. 99-049 UAC
POWERTEL/KENTUCKY, INC.

The Commission staff has reviewed your application in the above case and finds that it meets the minimum filing requirements. Enclosed please find a stamped filed copy of the first page of your filing. This case has been docketed and will be processed as expeditiously as possible.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,

Stephanie Bell

Stephanie Bell
Secretary of the Commission

SB/sa
Enclosure

McBRAYER, MCGINNIS, LESLIE & KIRKLAND PLLC

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* ALSO ADMITTED IN OHIO
** ALSO ADMITTED IN COLORADO
+ ALSO ADMITTED IN TEXAS & FLORIDA
+ + ALSO ADMITTED IN WEST VIRGINIA

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OSCAR SAMMONS (1908-1985)

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DIRECTOR OF GOVERNMENTAL RELATIONS
MIKE HELTON
STATE NATIONAL BANK BUILDING
305 ANN STREET
SUITE 308
FRANKFORT, KENTUCKY 40601-2847
502-875-1178
FACSIMILE 502-226-6234

February 9, 1998

FILED

FEB 09 1999

**PUBLIC SERVICE
COMMISSION**

RECEIVED

FEB 9 1999

**PUBLIC SERVICE
COMMISSION**

Ms. Helen C. Helton, Executive Director
Public Service Commission
730 Schenkel Lane
Frankfort, KY 40602

HAND DELIVERED

**RE: Application of Powertel/Kentucky, Inc. for Issuance of a Certificate of Public Convenience and Necessity to Construct a Personal Communications Services Facility in B-052 Basic Trading Area Which Includes Warren County
Case No. 99-049 UAC (The L-KY-114-316 Facility)**

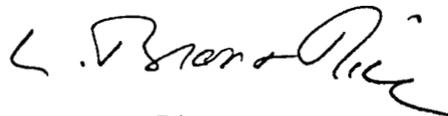
Dear Ms. Helton:

Please be advised that the undersigned represents Powertel/Kentucky, Inc. in regard to the above-referenced application which I am filing on its behalf today with the Commission.

The original application and five (5) copies of an additional page pursuant to 807 KAR 5:063 Section 5(2) are being submitted for filing. Additionally, three Site Plans are submitted with the application. Any comments or questions in regard to the application should be forwarded to the undersigned.

Thank you for your assistance in this matter.

Sincerely,



W. Brent Rice
Counsel for Powertel/Kentucky, Inc.

WBR/dkw

Enclosures



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
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February 10, 1999

Allen E. Smith
President
Powertel/Kentucky, Inc.
1233 O.G. Skinner Drive
West Point, GA. 31833

Honorable W. Brent Rice
McBrayer, McGinnis, Leslie
& Kirkland PLLC
163 West Short Street
Suite 300
Lexington, KY. 40507 1361

RE: Case No. 99-049 UAC
POWERTEL/KENTUCKY, INC.
(Construct) CELL SITE - 11372 RUSSELL ROAD - WARREN COUNTY

This letter is to acknowledge receipt of initial application in the above case. The application was date-stamped received February 9, 1999 and has been assigned Case No. 99-049. In all future correspondence or filings in connection with this case, please reference the above case number.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Bell".

Stephanie Bell
Secretary of the Commission

SB/jc

McBRAYER, MCGINNIS, LESLIE & KIRKLAND PLLC

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HAND DELIVERED

Ms. Helen C. Helton, Executive Director
Public Service Commission
730 Schenkel Lane
Frankfort, KY 40602

RE: Application of Powertel/Kentucky, Inc. for Issuance of a Certificate of Public Convenience and Necessity to Construct a Personal Communications Services Facility in B-052 Basic Trading Area Which Includes Warren County Case No. 99-049 UAC (The L-KY-114-316 Facility)

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Thank you for your assistance in this matter.

Sincerely,



W. Brent Rice
Counsel for Powertel/Kentucky, Inc.

WBR/dkw

Enclosures

RECORDED
FEB 9 1999
PUBLIC SERVICE
COMMISSION

FOR THE PUBLIC RECORD

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF POWERTEL/KENTUCKY, INC.,)
A DELAWARE CORPORATION, FOR ISSUANCE)
OF A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO CONSTRUCT A PERSONAL) Case No. 99-049 UAC
COMMUNICATIONS SERVICES FACILITY IN)
B-052 BASIC TRADING AREA)
(THE L-KY-114-316 FACILITY))

UNIFORM APPLICATION: CONFIDENTIAL AND PROPRIETARY

* The specific location of the proposed construction is 11372 Russellville Road,
Rockville, Warren County, Kentucky.

** This additional page is filed pursuant to 807 KAR 5:063 Section 5(2).